

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 REV KASEY CARROLL,

Case No. 2:24-cv-02083-APG-NJK

4 Petitioner

Dismissal Order

5 v.

6 PATRICK BENNETT, *et al.*,

7 Respondents.

8 *Pro se* Petitioner Rev Kasey Carroll commenced this action by filing both a civil rights
9 complaint pursuant to 42 U.S.C. § 1983 and a petition for writ of habeas corpus. ECF Nos. 1-1,
10 8. Carroll was instructed to file a notice indicating whether he wished to (1) pursue his § 1983
11 civil rights complaint and strike his habeas petition, or (2) strike his § 1983 civil rights complaint
12 and pursue his habeas petition. ECF Nos. 17, 20. In response, Carroll filed a motion to pursue
13 his habeas petition. ECF No. 25. Accordingly, I struck Carroll's § 1983 civil rights complaint.
14 ECF No. 26. However, because Carroll's habeas petition was handwritten and not filed in
15 substantial compliance with the Court's form, I ordered Carroll to file an amended petition on or
16 before May 16, 2025. *Id.* I warned Carroll that "failure to timely comply with this Order [would]
17 result in the dismissal of this action without prejudice and without further advance notice." *Id.* at
18 2. Carroll's May 16, 2025, deadline has passed, and to date, Carroll has not filed an amended
19 petition, requested an extension of time, or taken any other action to prosecute this case.

20 I THEREFORE ORDER that Carroll's habeas petition [ECF No. 8] is dismissed without
21 prejudice based upon his failure to comply with my Order [ECF No. 26].

22 I FURTHER ORDER that a Certificate of Appealability is denied, as jurists of reason
23 would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.

1 I FURTHER ORDER that that the Clerk of Court kindly (1) add Nevada Attorney
2 General Aaron D. Ford as counsel for Respondents,¹ (2) send the Nevada Attorney General a
3 copy this Order and all other filings in this matter by regenerating the notices of electronic filing,
4 (3) enter final judgment, and (4) close this case.

5 DATED: May 27, 2025

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ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE

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¹No response is required from Respondents other than to respond to any orders of a reviewing court.